

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

TINA PAYNE,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security
Administration,¹

Defendant.

CV 16-147-BLG-TJC

ORDER

Michael A. Bliven, counsel for Plaintiff Tina Payne, has filed an Unopposed Motion for Attorney Fees pursuant to 42 U.S.C. § 406(b). (Doc. 20.) Mr. Bliven requests attorney fees in the amount of \$18,524.50. The Commissioner has no objection to the Motion.

On June 11, 2018, the Court remanded this case to the Commissioner for further administrative proceedings. (Doc. 18.) Plaintiff subsequently prevailed on remand, and was awarded total past-due benefits in the amount of \$74,108.00. (Doc. 20-4.) The Social Security Administration withheld \$18,524.50, which represents less than 25% of the award, for the direct payment of attorney fees. (*Id.*)

¹ Kilolo Kijakazi is substituted for Nancy A. Berryhill pursuant to Federal Rule of Civil Procedure 25(d).

The Social Security Employment Agreement between Plaintiff and Mr. Bliven, as well as the governing law, 42 U.S.C. § 406(b)(1)(A), limit the recovery of attorney fees to no more than 25% of past-due benefits. The Court finds the \$18,524.50 award is within the 25% limit imposed under the fee agreement and §406(b)(1)(A). The Court further finds that the award is reasonable.

Accordingly, IT IS HEREBY ORDERED that the relief requested in the Motion is GRANTED. Pursuant to 42 U.S.C. § 406(b)(1)(A), the Court authorizes payment of attorney's fees in the amount of \$18,524.50 to Plaintiff's attorney, Michael A. Bliven.

DATED this 6th day of June, 2022.



TIMOTHY J. CAVAN
United States Magistrate Judge